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NEW YORK, NY 10016

In re Application of	:	
Schramm et al.	:	
Application No.: 10/560,676	:	DECISION
PCT No.: PCT/US04/20902	:	
Int. Filing Date: 30 June 2004	:	ON
Priority Date: 02 July 2003	:	
Attorney Docket No.: 96700/1076	:	PETITION
For: SIR2 Regulation	:	

This is a decision on applicants' renewed petition under 37 CFR 1.181 filed on 03 April 2007.

DISCUSSION

In a Decision mailed on 05 March 2007, the petition filed on 18 January 2007 was dismissed without prejudice because

Concerning requirement (3), the instant petition is accompanied by sheets entitled "Incoming Daily Mail Log," and facially appearing to reflect correspondence received by counsel on various dates. However, the required docket records are those records showing all applications *docketed for responses* due on 22 May 2006 (since 21 May 2006 was a Sunday), rather than records showing counsel's mail intake (ideally, such records would include a "tickler sheet" listing all of the application or docket numbers with responses due on or around 22 May 2006). For this reason, the submitted docket sheets do not satisfy requirement (3).

In response, petitioner has provided "a copy of the firm's docket sheets for patent and patent application response due dates for the period 01-May-2006 to 31-May-2006 (229 pages), which show that no due dates were docketed for the subject application." Although the records submitted are of the appropriate type, inspection of the submission reveals that only 216 pages (plus a "Report Selection" sheet) have been received into the application file, rather than the 229 pages described by counsel. In the event that sheets were in fact missing from the submission filed on 03 April 2007, it would not be possible to ascertain whether the instant case was docketed for response on one of the missing pages. Petitioner is required to resolve this discrepancy by either (1) providing a statement that 216 is the correct number of sheets and the conflicting number appearing in the petition is in error; or (2) providing copies of the missing sheets. In the absence of a resolution of said discrepancy, it would not be appropriate to grant the requested relief on the basis of the present record.

CONCLUSION

The petition to withdraw the holding of abandonment is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision (extendable under 37 CFR

1.136(a)). Any reconsideration request should include be entitled "Renewed Petition Under 37 CFR 1.181."

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the correspondence to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read "G. Dombroske", is written over the printed name.

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